

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT WARRENGTON,

Plaintiff,

vs.

CLARK COUNTY DETENTION
CENTER,

Defendant.

3:06-CV-0496-BES (VPC)

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

February 15, 2008

This Report and Recommendation is made to the Honorable Brian E. Sandoval, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B). For the reason set forth below, it is recommended that plaintiff's complaint be dismissed without prejudice.

I. BACKGROUND, DISCUSSION & CONCLUSION

On April 5, 2007, the court granted plaintiff's request to proceed *in forma pauperis* (#5). After a review of plaintiff's complaint, the court was unable to determine whether plaintiff stated a viable claim for relief. *Id.* Plaintiff was granted thirty (30) days within which to file an amended complaint in compliance with the order. *Id.* Plaintiff was cautioned that his failure to file an amended complaint within the time allotted may result in dismissal of this action. *Id.*

Plaintiff failed to file an amended complaint as ordered and has not requested additional time in which to do so. Therefore, this court recommends that this action be **DISMISSED** without prejudice.

The parties are advised:

1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this report and recommendation within ten days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the District Court.

II. RECOMMENDATION

Valerie P. Cooke

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